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OFFICE OF PETITIONS

In re Application of
Birch et al.
Application No. 09/895,011
Filed: June 28, 2001
Attorney Docket No.: 026735-00004
(068.0003)
Title of Invention: System for Facilitating
Pricing, Sale Distribution of Fuel to
Customer

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 21, 2005 to revive the above-identified application.

This petition is hereby **Dismissed**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** final agency action within the meaning of 5 U.S.C. §704.

This above-identified application became abandoned for failure to timely file a response to a non-final Office Action which was mailed on February 10, 2004. The non-final Office Action set a three (3) month shortened statutory period for reply. No extensions of time were obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on May 11, 2004. A Notice of Abandonment was mailed on October 20, 2004.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a

statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional"; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03 (c)(III)(c) and (D).

The instant petition lacks item (1). Petitioner must submit a reply to the February 10, 2004 Office Action with the renewed petition.

Further Correspondence with respect to this matter should be addressed as follows:

By mail:

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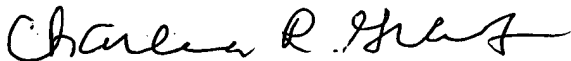
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Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.



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Office of Petitions